

Appl. No. : 09/929,955
Filed : August 15, 2001

REMARKS

Applicants thank the Examiner and the Supervisor for the courteous personal interview conducted on March 22, 2003 and for the helpful comments made therein. Presently, Claims 1-20 are pending in the application.

In the Office Action mailed February 12, 2003, the Examiner has indicated that Claims 1-20 are subject to a Restriction Requirement wherein Applicants are permitted to prosecute claims directed to the subject matter of one of five possible inventions. Although the Examiner has indicated that if Applicants elect Group V that Applicants must further select one antigen or one amino acid sequence to prosecute because each has different patentable weight, it was determined in a telephone interview with the Examiner and, subsequently, at the personal interview on March 22, 2003 that Applicants would be entitled to the benefit of linking claim practice upon election of Group V, which is drawn to a composition comprising ribavirin and a nucleic acid.

Response to Restriction Requirement

Applicants have elected to prosecute, with traverse, claims directed to the subject matter set forth as Group V (a composition comprising ribavirin and a nucleic acid) as set forth in the subject Office Action. Applicants reiterate that they are entitled to the benefit of linking claim practice and that the subject Office Action makes no mention of linking claim practice. As established at the telephone and personal interviews, Applicants are entitled to the benefit of linking claim practice and examination accordingly is earnestly solicited. Furthermore, Applicants submit that upon a finding of allowable subject matter, Applicants are entitled to rejoin claims directed to the methods of making and using the claimed subject matter according to O'Chiai practice.

If an election of subject matter is required for the purposes of prosecution according to linking claim practice, Applicants elect to have examined, first, an immunogenic composition comprising ribavirin and a viral antigen that is a nucleic acid comprising the sequence of SEQ ID NO. 16 (Claim 28). Upon a finding that the aforementioned composition is allowable, Applicants respectfully request examination of an immunogenic composition comprising ribavirin and a nucleic acid encoding a hepatitis C antigen comprising NS3 (Claim 24); and upon a finding that the aforementioned composition is allowable, Applicants request examination of an immunogenic composition comprising ribavirin and a nucleic acid encoding a hepatitis C viral antigen (Claims 23); and upon a finding that the aforementioned composition is allowable, Applicants request examination of an immunogenic composition comprising ribavirin and a nucleic acid encoding a hepatitis antigen (Claim 22); and upon a finding that the aforementioned composition is allowable, Applicants request examination of an immunogenic composition comprising ribavirin and a viral antigen that is a nucleic acid (Claim 21).

Preliminary Amendment

Claims 1-20 have been cancelled and the new Claims 21-34 have been added. Support for the new claims are found throughout the specification and in the claims as originally filed (e.g., pages 6-7 and pages 23-24). The new claims have been structured in a format that was

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found to be allowable in a related case (U.S. Patent Application No. 10/104,966) so as to expedite allowance of the present application.

Conclusion

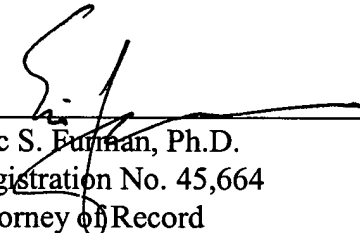
Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and such action is earnestly solicited. The undersigned has made a good-faith effort to respond, with traverse, to the Office Action mailed February 12, 2003 and to amend the claims to a format that would allow immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney, Eric S. Furman, at 619-687-8643 (direct line), to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 5/6/03

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